Tunisia | Prosecution of “Sumud Flotilla” Members Marks a Dangerous Escalation in the Criminalization of Solidarity with Gaza

Statements · Tunisia · 19 March 2026

HuMENA for Human Rights and Civic Engagement condemns the issuance of pre-trial detention orders against several members of the steering committee of the “Sumud Flotilla” in Tunisia. HuMENA considers these measures a dangerous escalation in the criminalization of solidarity with Gaza, and a troubling resort to punitive criminal law measures against a humanitarian and solidarity-based initiative.

On 16 March 2026, an investigating judge at the Economic and Financial Judicial Pole issued detention orders against Wael Naouar, Jawaher Channa, Nabil Chnoufi, Ghassan El Hanchiri, Ghassan Boughdiri, Mohamed Amine Belnour, and Sana Msahli, after several days of arrest and custody, in a case referred to the same judicial body. These developments came after restrictions and preventive measures targeting activities and events linked to the initiative.

The seriousness of this case lies not only in the deprivation of the liberty of those concerned, but also in the broader approach through which a civil solidarity initiative is being treated. Arrest and pre-trial detention in this context extend beyond the individuals directly targeted. They create a chilling effect on civil society actors and groups engaged in public life, and narrow the space available for independent initiatives and peaceful solidarity work.

These prosecutions are all the more serious because they concern an initiative linked to solidarity with Gaza, at a time when restrictions on expression and organization related to the Palestinian cause are increasing. Resorting to criminal proceedings in this type of case raises serious concerns that solidarity with Gaza is being treated as suspicious activity and subjected to restriction, rather than recognized as a legitimate form of peaceful civic engagement. The criminalization of humanitarian and solidarity work, or its treatment through punitive legal measures, undermines freedom of association and civic action, and limits the ability of individuals and groups to mobilize, organize, and act in the public sphere.

The measures taken in this case also raise serious concerns regarding fair trial guarantees and the rights of the defense. Information published about the hearing held on 16 March 2026 before the Economic and Financial Judicial Pole indicates that the proceedings were limited to presenting the list of charges and verifying identities, without any substantive interrogation on the merits of the case, and without allowing defense counsel to plead on the merits, before detention orders were issued. These circumstances raise serious concerns about the expanding use of pre-trial detention in a manner that strips it of its exceptional character and effectively turns it into a tool of pressure

and punishment before any determination on the merits.

HuMENA stresses that arrest and pre-trial detention in cases involving civil actors engaged in solidarity initiatives must remain subject to a strict standard of necessity and proportionality, with full respect for the presumption of innocence, the rights of the defense, and fair trial guarantees. Pre-trial detention must not be used as a means of pressure or as a form of prior punishment in cases related to independent civic action.

This case forms part of a broader documented pattern of restrictions on protest and peaceful organization in Tunisia. In its report on the shrinking space for peaceful assembly in Tunisia, HuMENA documented an increasing pattern of summonses, arrests, and prosecutions targeting activists and peaceful protesters. The report also documented that activist Wael Naouar, one of those targeted in the current case, had previously been summoned, interrogated, and prosecuted in connection with his participation in peaceful protests. These facts indicate that the current prosecution cannot be separated from a wider environment marked by restrictions on peaceful collective action and on the space available to activists and human rights defenders.

The case also raises serious concerns about the manner in which accompanying security operations were carried out. Raids on the homes of Wael Naouar and Jawaher Channa, and the reported harm to family members and damage to property, raise serious questions regarding respect for the inviolability of the home, the regulation of security interventions, and the principle of proportionality in the execution of such measures. These elements add another dimension to the case, relating to how authorities conduct their interventions and the limits imposed by the rule of law on the use of force and coercive measures.

HuMENA further notes that the use of punitive criminal provisions and procedures against civil and solidarity initiatives does not remain confined to this case alone. It effectively broadens the scope of criminalization in ways that threaten freedom of association, peaceful assembly, and civic and humanitarian action. This approach undermines the conditions necessary for civil society to operate freely and independently, and weakens civic participation in public affairs, particularly in matters related to solidarity with Gaza.

The prosecution of the “Sumud Flotilla” members is not an isolated measure. It forms part of a broader pattern of shrinking civic space, restricting independent civic action, and targeting peaceful initiatives linked to the Palestinian cause. The continued use of arrest and pre-trial detention in this case constitutes a serious infringement on the rights to freedom of association, peaceful assembly, and civic participation, and calls for an end to the use of judicial processes and pre-trial detention against legitimate solidarity work.

HuMENA calls on the Tunisian authorities to:

- Immediately release all detainees unless there are strict, necessary, and proportionate legal grounds justifying their continued deprivation of liberty.
- Ensure full respect for the presumption of innocence, the rights of the defense, and all fair

trial guarantees at every stage of the proceedings.

- Put an end to the use of arrest and pre-trial detention as tools of deterrence or punishment in cases involving civil and solidarity initiatives.
- Refrain from using punitive legal provisions and procedures in ways that effectively criminalize civic and humanitarian action and solidarity with Gaza.
- Cease targeting peaceful organization and public mobilization related to the Palestinian cause, and respect the rights to freedom of association and peaceful assembly.
- Uphold Tunisia's international obligations to protect civic space and human rights defenders, and ensure a safe and enabling environment for civil society.

Published at https://humena.org/tunisia-sumud-flotilla-detention-solidarity-gaza/
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